

1 Jeffrey M. Singletary, Bar No. 233528
jsingletary@swlaw.com
2 Justin F. Mello, Bar No. 329514
jmello@swlaw.com
3 SNELL & WILMER L.L.P.
600 Anton Blvd, Suite 1400
4 Costa Mesa, California 92626-7689
Telephone: 714.427.7000
5 Facsimile: 714.427.7799

6 Attorneys for Non-Party
RESTORE ROBOTICS LLC
7

8 **UNITED STATES DISTRICT COURT**
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO DIVISION**

11 IN RE: DA VINCI SURGICAL
12 ROBOT ANTITRUST LITIGATION,

Lead Case No. 3:21-CV-03825-AMO
Hon. Araceli Martínez-Olguín
Courtroom 10

13 **DECLARATION OF CLIFTON**
14 **PARKER IN RESPONSE TO**
15 **ADMINISTRATIVE MOTION OF**
16 **DEFENDANT INTUITIVE**
17 **SURGICAL, INC. TO CONSIDER**
18 **WHETHER ANOTHER PARTY'S**
19 **MATERIAL SHOULD BE**
20 **SEALED PURSUANT TO CIVIL**
21 **LOCAL RULE 79-5(f)**
22 **REGARDING INTUITIVE'S**
23 **DAUBERT REPLIES (ECF No.**
24 **182)**

25 **THIS DOCUMENT RELATES TO**
26 **ALL ACTIONS**
27
28

SNELL & WILMER
L.L.P.

LAW OFFICES

600 ANTON BLVD, SUITE 1400
COSTA MESA, CALIFORNIA 92626-7689

1 I, Clifton Parker, declare as follows:

2 1. I am over the age of eighteen years old and am the chief executive
3 officer for non-party Restore Robotics LLC and its successor Restore Robotics
4 Repairs LLC (collectively “Restore”). Restore is a small private company in the
5 business of reselling, repairing, and remanufacturing EndoWrists for use with the
6 da Vinci Surgical System. Restore has settled its own legal dispute with Intuitive
7 and has no interest in the cases pending in this district. Unless otherwise indicated,
8 I state the following of my own personal knowledge and, if called upon to do so, I
9 could and would testify competently to the following.

10 2. Pursuant to Civil Local Rules 7-11 and 79-5(f), Restore submits this
11 declaration in response to ADMINISTRATIVE MOTION OF DEFENDANT
12 INTUITIVE SURGICAL, INC. TO CONSIDER WHETHER ANOTHER
13 PARTY’S MATERIAL SHOULD BE SEALED PURSUANT TO CIVIL LOCAL
14 RULE 79-5(f) REGARDING INTUITIVE’S DAUBERT REPLIES (ECF No. 182).
15 Based on my review of the materials provided by Defendants, I understand that the
16 instant motion includes confidential information that already is the subject of
17 multiple administrative motions filed previously by the parties. I hereby reference
18 and incorporate the prior declarations filed in response to those motions. Restore
19 maintains that there are compelling reasons for maintaining the confidentiality of
20 that information.

21 3. Restore has also completed a review of the redactions in the instant
22 motion and asks the Court to permit the limited redactions to Restore’s
23 competitively sensitive information because publication would reveal its business
24 plans, research processes, product development, production methods, regulatory
25 strategies, internal finances, and customer, vendor, distributor, and partner identities
26 and agreements. Consistent with industry practice, Restore has always maintained
27 its competitively sensitive information within a closely held group of individuals on
28 a need-to-know basis. Restore has invested significant manpower and monetary

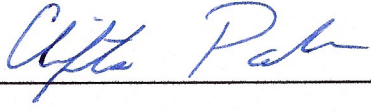
investment in developing its business, including research processes, product development, production methods, testing protocols, and regulatory strategies and customer, vendor, distributor, and partner relationships. Disclosure would give substantial assistance to potential competitors – allowing them to avoid potentially years of time and millions of dollars required to their launch their own business to compete with Restore. Thus, there are compelling reasons for maintaining the confidentiality of that information with the very limited redactions identified in the table below.

Defendant's Reply Brief in Support of Motion of Intuitive to Exclude Testimony of R. Bero Page 6	Business Plans Research Processes Product Development
Defendant's Reply Brief in Support of Motion of Intuitive to Exclude Testimony of E. Elhauge Page 7	Business Plans Research Processes Product Development
Ex. 13 to Supplemental Declaration of Ashley Bass in Support of Motion to Exclude E. Elhauge Deposition of Kevin May (Nov. 3, 2022) Page 50	Business Plans Research Processes Product Development

4. Restore has not disclosed the documents and information above to any third party because it would allow competitors to make use of Restore's extensive efforts to resell, repair, and remanufacture EndoWrists. Disclosure would provide competitors with a significant head start in their own efforts.

1 I declare under penalty of perjury under the laws of the United States of
2 America that the foregoing is true and correct.

3
4 Executed: May 18, 2023


Clifton Parker

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SNELL & WILMER
L.L.P.
LAW OFFICES
600 ANTON BLVD, SUITE 1400
COSTA MESA, CALIFORNIA 92626-7689